THE LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

FOURTH EDITION: effective 2014 - 2019

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Licensing & Enforcement Unit
Ipswich Borough Council
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# IPSWICH BOROUGH COUNCIL
## LICENSING ACT 2003: STATEMENT OF LICENSING POLICY

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INTRODUCTION:

The Licensing Act 2003 became fully implemented on 24 November 2005, and brought about the single biggest change to the licensing arrangements for many types of leisure premises in 40 years. The Act integrated six separate licensing regimes covering the sale and supply of alcohol, the provision of regulated entertainment, the provision of late night hot food or drink (between the hours of 11pm and 5am), night café, theatres and cinemas. The legislation is continuing to evolve, and be amended.

This document is the fourth version of the local ‘Statement of Licensing Policy’ for Ipswich Borough Council and revisions will endeavour to incorporate the Authority’s practical experience of the legislation to date, including addressing as far as possible some of the ambiguities of the Act, the fully revised Guidance document published under section 182 of the Licensing Act 2003 by the Home Office in October 2012, and feedback from all relevant stakeholders.

The Licensing Authority recognises that it is not always straightforward to reach decisions that satisfy all parties, but the Authority shall always endeavour to carefully balance the interests of owners, employees, customers and neighbours of licensable premises, and will remain focused on the promotion of the four licensing objectives, which are:

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance
4. The protection of children from harm

The Government’s amended Guidance to Licensing Authorities issued under section 182 of the Licensing Act 2003 supports key aims and purposes including:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the police and licensing authorities the power they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate strategies for their local area; and
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.

There have also been several legislative changes since the last edition of this Policy which were intended to aid in promoting the licensing objectives and also reduce regulatory burden on operators of licensed premises.

The Policing and Crime Act 2009 amended the Licensing Act 2003 with effect from April 2010 and added nine mandatory conditions to any Premises Licence or Club Premises Certificate authorised for the sale of alcohol for consumption on the premises, including:

- A ban on irresponsible alcohol promotions;
- A ban on dispensing alcohol directly into the mouth of another;
- Require that free tap water be made available;
Require that an age verification policy be in place (this is also applicable to off-licensed premises); and
Require that smaller measures be made available for beers, ciders, spirits and wine.

The Police Reform and Social Responsibility Act 2011 made significant changes to the Licensing Act 2003 with effect from April 2012 and October 2012 including:

- designated licensing authorities and health bodies as responsible authorities,
- removed the vicinity test for making representations and review applications,
- reduced the evidential burden for taking Committee action by requiring that measures to promote the licensing objectives be ‘appropriate’ rather than ‘necessary’,
- allowed environmental health to object to TENs,
- allowed late TENs,
- extended the timeframe for objections to TENs and allowed objections to be based on any of the four licensing objectives,
- increased the penalties for the offence of persistently selling to children,
- amended and introduced the provisions for EMROs,
- allowed suspension of licences for non-payment of annual fees,
- extended the duration of licensing policy statements,
- and new powers (not yet commenced) for fees to be set locally on a cost recovery basis and for a late night levy to be charged to certain premises.

The Live Music Act 2012 allowed, with effect from October 2012, live music to be provided without the need for authorisation in certain circumstances.

THE IPSWICH BOROUGH:

1 Background to the Borough of Ipswich

Ipswich is the county town of Suffolk and a major centre of population, economic activity and growth in the Eastern Region. It is the fastest growing centre in the East of England, with a population of 137,100 and is one of the largest centres of employment in Suffolk, employing 72,800 people and contributing £2.943 billion to the UK economy.

Ipswich enjoys a prime location - just an hour from London by train. It is also closely connected to the trunk road network with the A12 giving access to London, the M25 and Stansted Airport and the A14 linking the Midlands and the Port of Felixstowe.

The Council’s economic vision for Ipswich is “An inspiring and exciting town perceived as both an attractive location for investment in business and a centre of excellence for education. Creative people in partnership with dynamic businesses will drive a diverse and innovative urban economy. A sustainable and low carbon Ipswich will enable individuals to flourish, and inhabitants will be notable for their enterprise, ambition, creativity and pride in their town.”

Ipswich is home to a wealth of diverse heritage and cultural assets including: Christchurch Mansion, Ipswich Museum, Ipswich Transport Museum, Ipswich Art School, The Regent Theatre, The New Wolsey Theatre, The Corn Exchange, The Jerwood DanceHouse and the most recent addition, The HEG (the High Street Exhibition Gallery) - as an education and community theatre performance space.

Ipswich has long been well regarded for its vibrant and active events programme, offering the community a diverse range of events. The Maritime Ipswich Festival was revived in 2011 and has been widely popular with the Ipswich Community, with an attendance of 70,000 to the 2013 event. The annual Ipswich Arts Festival attracted an estimated audience of 120,000 over the 2 week period in 2013, with 40,000 people attending Music Day alone. The newly launched Food and Drink Festival achieved an attendance of 20,000 in 2013 and is set to be another successful addition to the events calendar.
The Ipswich Waterfront has been the focus of more than £150m investment in an effort to bring a brand new university to Suffolk - University Campus Suffolk (UCS). UCS opened its main hub, based on the Ipswich Waterfront, in September 2007. The site is the largest single regeneration project in the East of England, with over a billion pounds already spent on, or earmarked for, this development. The large-scale regeneration of Ipswich Waterfront has also encouraged increased interest from businesses. On the western bank of the river, Felaw Maltings and the hi-tech IP-City Centre are both now in high demand for their top quality business space. Ipswich is home to Ipswich Port, part of Associated British Ports which currently handles container traffic from its West Bank and Cliff Quay Container Terminals. In addition, the port offers a unique waterfront-conference facility located in the Old Custom House and a 250 berth leisure marina.

The street pattern of central Ipswich mirrors that which existed in Mediaeval and Saxon times and these smaller streets and historic buildings lend themselves well to the independent, boutique style of retailer. Its vibrant shopping district and variety of entertainment facilities are complemented by over 800 acres of parkland and recreation grounds, and its central conservation area boasts more than 600 listed buildings, including 12 medieval churches.

Alcohol consumption is a major contributor to crime and disorder in Ipswich. Some offences are specific to alcohol such as being drunk and disorderly, but alcohol is also associated with other crime, particularly breach of the peace, criminal damage and assault. The link between licensed premises; violence and public disorder is clear though not equal. It is also evident that repeat offenders, including persistent and prolific offenders, cause much of the crime, disorder, and anti-social behaviour. Inclusive and effective partnership working is essential to minimise violence and public disorder committed by those in, between, and outside licensed premises.

The Licensing Act 2003 catches ‘any premises’ involved in providing licensable activities, and Ipswich Borough Council have issued licences to a broad variety of different types of premises, including:

- Pubs, commercial clubs, restaurants, hotels, conference centres
- Private members clubs
- Shops, supermarkets, off-licences, breweries.
- Community facilities, schools, sports clubs
- Warehouses for mail order and internet sales of alcohol
- Mobile late night fast food vans, florists, garages
- Festivals, concerts, street fairs, fairs
- Takeaways (serving hot food or drink between 11pm and 5am)
- Local Authority public open spaces

**THE ROLE OF THE LICENSING AUTHORITY IN THE DECISION-MAKING PROCESS:**

It is important for any person reading this Statement of Licensing Policy to note that the Licensing Authority’s discretion and decision making role, referred to throughout this Statement of Licensing Policy, is only engaged following a relevant representation being lodged in respect of an application, and where that representation is not withdrawn. The application will then ordinarily be heard by a sub-committee of the Council’s Licensing and Regulatory Committee. However it must be noted that, in contrast, the process and determination in respect of minor variations and community premises mandatory conditions disapplications are exceptions to these usual arrangements, as referred to later in this document.

The Licensing Act 2003 provides for a mediation process between parties. Where it is appropriate for the Licensing Authority to do so, following a relevant representation being made, the Authority shall make all reasonable efforts to facilitate mediation. In doing so the Licensing Authority will be mindful of the legislative framework and any relevant government guidance.

In cases where a premises licence application or club premises certificate has been lawfully made, and no responsible authority or other person has made a representation, the Licensing Authority
must grant the application on the terms sought, subject only to conditions which are consistent with
the operating schedule and relevant mandatory conditions in the Act. This should be undertaken as
an administrative process by the Licensing Authority’s officers who will translate the proposals
contained within the operating schedule to promote the licensing objectives into clear and
understandable conditions. As above, there are different arrangements in place for some minor
processes under the Act.

The Police Reform and Social Responsibility Act 2011 created a further role for the Licensing
Authority as a Responsible Authority thereby allowing it to make representations and/or seek a
review of a Premises Licence or Club Premises Certificate. The details of the involvement of the
Licensing Authority as a Responsible Authority are set out in Section 30 of this Statement.

It is the intention of the Licensing Authority to work closely with licensees and their representatives,
responsible authorities, other persons and partner authorities in order to promote the licensing
objectives and minimise the burden on all involved to ensure that as far as possible the licensing
arrangements work satisfactorily and successfully.
1. Licensing Objectives

1.1 This policy must be read in conjunction with the Licensing Act 2003 (the Act), secondary legislation and the Guidance issued under s.182 of the Licensing Act 2003 (the Guidance).

1.2 Where revisions are made to the legislation or Guidance issued by the Secretary of State, there may be a period of time when the local Statement of Licensing Policy is inconsistent with these revisions. In these circumstances, the Licensing Authority will have regard, and give appropriate weight, to the relevant changes, Guidance and its own Statement of Licensing Policy.

1.3 In preparing this Statement of Licensing Policy the Licensing Authority has consulted in accordance with the requirements of the Act, and has had due regard to the Guidance.

1.4 The Licensing Authority recognises that balancing the interests of owners, employees, customers and neighbours of licensable premises will not always be straightforward, but it will always be guided by the four licensing objectives of the Act, which are:

   a) the prevention of crime and disorder;
   b) the prevention of public nuisance;
   c) public safety; and
   d) the protection of children from harm

The Licensing Authority’s general approach to addressing these four licensing objectives is set out in section 14 of this Statement of Licensing Policy.

1.5 In exercising its licensing functions, once its discretion is engaged, the Licensing Authority will primarily focus on the direct impact of the licensable activities taking place at the licensed premises on members of the public living, working or engaged in normal activity who may be affected by the activities of the licensed premises.

1.6 The aims of this Statement of Licensing Policy include:

   a) Helping to encourage and support a strong and inclusive society that balances the rights of individuals and their communities; and
   b) Integrating the Licensing Authority’s aims and objectives with other initiatives and strategies that will help to:

      - reduce crime and disorder, the fear of crime, and anti-social behaviour;
      - ensure the safety of the public engaging in licensable activities;
      - encourage tourism and cultural diversity;
      - reduce alcohol misuse and associated harms;
      - encourage the self sufficiency of local communities; and
      - reduce the burden of unnecessary regulation on business.

1.7 This Statement of Licensing Policy does not seek to undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have such an application considered on its individual merits, where the Licensing Authority’s discretion
has been engaged. It does not seek to override the right of any person to make representations on or about an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.

1.8 The licensing process can only seek to control those measures within the control of the licensee or certificate holder (and their staff/agents), and in the vicinity of the premises involved in licensable activities, for example on the pavement, in a beer garden or smoking shelter. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from such premises and beyond the direct control of the licence holder, nor is it the cure-all for community problems.

2. Purpose of the Statement of Licensing Policy

2.1 The purpose of this Statement of Licensing Policy is to:

- inform the elected Members serving on the Licensing & Regulatory Committee of the parameters within which licensing decisions can be made;
- inform applicants, residents and businesses of the parameters within which the Licensing Authority will make licensing decisions;
- inform residents and businesses about how the Licensing Authority will make licensing decisions; and
- provide a basis for decisions made by the Licensing Authority if these decisions are challenged in a court of law.

2.2 This policy relates to the following licensable activities as defined by the Act:

- Retail sale of alcohol;
- Supply of alcohol by or on behalf of a club, or to the order of a member of the club
- Provision of regulated entertainment, which includes:
  - a performance of a play
  - an exhibition of a film
  - an indoor sporting event
  - a boxing or wrestling entertainment
  - a performance of live music (beyond the exemptions contained within the Live Music Act 2012)
  - any playing of recorded music (which is not incidental in nature)
  - a performance of dance
  - entertainment of a similar description to the performance of live music, the playing of recorded music or the performance of dance

- Provision of late night refreshment

2.3 It should be noted that the 2003 Act (Part 2 of Schedule 1) makes provision for exempt or unregulated activities or locations. Whether activities/locations may be entitled to benefit from an exemption would be assessed on a case-by-case basis.

2.4 In some cases additional licences may be required under separate legislation, for example sexual entertainment venues may also require a licence under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, or the venue may also require Performing Rights Society (PRS) permissions.
3. **Other legislation, strategies and guidance**

3.1 When carrying out its functions the Local Authority has duties, responsibilities and considerations under other legislation and strategies, for example:

(a) Crime and Disorder Act 1998 (in particular obligations under section 17 relating to the prevention of crime and disorder);
(b) The European Convention on Human Rights, given effect by the Human Rights Act 1998;
(c) Criminal Justice and Police Act 2001 (in particular the powers available under section 13 to make ‘designated public place orders’ or DPPO’s to control the consumption of alcohol in a public place outside licensed premises);
(d) Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000);
(e) Anti-Social Behaviour Act 2003 (in particular powers available under sections 40 and 41 relating to the closure of premises on the grounds of public nuisance caused by noise);
(f) Violent Crime Reduction Act 2006;
(g) Environmental Protection Act 1990 (as amended);
(h) Noise Act 1996;
(i) Health Act 2006;
(j) Health and Safety at Work Act 1974;
(k) Clean Neighbourhoods and Environment Act 2005 (including powers for the Local Authority to issue fixed penalty notices to licensed premises emitting noise that exceeds the permitted level between 11pm and 7am);
(l) Policing and Crime Act 2009;
(m) Police Reform and Social Responsibility Act 2011
(n) Sunday Trading Act 1994
(o) Christmas Day (Trading) Act 2004
(p) Safety at Sports Grounds Act 1975
(q) Public Health Act 2006
(r) Any National Alcohol Strategy
(s) The Council’s published procedure for dealing with petitions and its obligations under the Local Democracy, Economic Development and Construction Act 2009;
(t) The Council’s published policy on Safeguarding Children
(u) Equality and diversity obligations; and
(v) European Union Services Directive.

3.2 The premises operators are normally responsible for compliance with any other statutory requirements which may apply for example the Regulatory Reform (Fire Safety) Order 2005.

3.3 The Licensing Authority will as far as possible seek to avoid duplication with other regulatory regimes when dealing with the licensing function. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be appropriate or proportionate to impose the same or similar duties on the premises licence holder or club. Once the discretion of the Licensing Authority is engaged, it is only where additional and supplementary measures are appropriate to promote the licensing objectives that appropriate and proportionate conditions will be attached to a licence.

3.4 Other Local Authority and Government policies, strategies, responsibilities, and guidance documents may also refer to the licensing function, and the Licensing Authority may liaise with the relevant authorities or its directorates with regard to these. Whilst some of these may not be directly related to the promotion of the four licensing objectives, they can indirectly impact upon them.

3.5 For example, the Licensing Authority will liaise closely with the local Safer Neighbourhood Teams (SNT) and/or Ipswich Community Safety Partnership (CSP) to ensure that the Local
Authority can develop effective strategies that take full account of local crime and disorder issues.

3.6 It is the Local Authority’s intention that it will, through its Licensing & Regulatory Committee monitor how these matters, set out in 3.4 above, impact on the Authority’s licensing and other functions, in order that it may seek to co-ordinate and integrate its licensing function with other relevant strategies.

3.7 The Local Authority may, in appropriate circumstances, consider seeking from the Licensing Authority premises licences in its own name for its own public spaces within the community. This may assist with the promotion of broader cultural activities and entertainments.

3.8 In respect of cultural strategies the Licensing Authority will, for example through periodic consultation with local Leisure and Cultural Services officers, consider whether the provision of live music and cultural activities and entertainments are being deterred by local licensing requirements. Where there is any indication that this is the case, the Licensing Authority may consider investigating how the situation might be reversed, and may if necessary in the light of such investigations consider a revision to the Statement of Licensing Policy.

3.9 Where it considers it appropriate to do so, and in order to seek proper integration of the licensing function, the Licensing Authority may directly or indirectly provide periodic reports to the Planning Authority on the general situation regarding licensed premises in the area, which may include reference to the impact of alcohol related crime and disorder.

4. **Relationship with Planning Process**

4.1 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the Local Planning Authority.

4.2 It is strongly recommended that prospective licence applicants contact the Local Planning Authority in advance of making a licence application in order to check, or seek advice on, any planning consents or any conditions relevant to the use of the premises. It clearly makes operational sense to ensure that planning and licensing are compatible.

4.3 The Licensing Authority wishes to emphasise that the granting by the Licensing & Regulatory Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control consent where appropriate.

4.4 The Local Authority will aim to properly separate planning, building control and licensing regimes in order to avoid duplication and inefficiency. The Licensing and Planning regimes involve consideration of different (albeit related) matters.

4.5 The Licensing Authority will avoid treating licensing applications as a re-run of planning applications, and will not normally:

- cut-across decisions taken by the Local Authority Planning Committee or following appeals decisions taken by that Committee; or
- impose licensing conditions where the same or similar conditions have been imposed on a planning consent.
4.6 The Licensing Authority is not bound by decisions made by the Planning Committee and vice versa.

4.7 Where, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes that is different to the licensing hours, the licensee must observe the earlier closing time in order to avoid any breach of their planning permission - for which they may be liable to prosecution under planning law (and vice versa where the licensing hours finish earlier than the planning permission).

5. Cumulative Impact

5.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area, which goes beyond that which can be dealt with via premises-specific enforcement.

5.2 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the Licensing Authority can take into account. This should not, however, be confused with ‘need’ which concerns the commercial demand for a particular type of premises e.g., a pub, restaurant or hotel. The issue of ‘need’ therefore does not form part of this licensing policy statement.

5.3 The Licensing Authority recognises that the cumulative effect of licensed premises may have negative consequences which could include:

- an increase in crime against both property and persons;
- an increase in noise causing disturbance to residents;
- traffic congestion and/or parking difficulties; and
- an increase in littering and fouling,

and that enforcement action taken to ensure that conditions are complied with may not always resolve any problems experienced in the vicinity of licensed premises.

5.4 Licensing is only one means of addressing the problems identified above, and cannot in isolation provide a solution to many of the problems that may be experienced. Other mechanisms to address problems could include:

- Planning controls;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas;
- Prosecution for the offences of selling alcohol to people who are drunk or underage (or allowing such a sale);
- Local Authority powers under section 5 of the Anti-Social Behaviour Act 2003;
- Powers available to responsible authorities under the provisions of the Policing and Crime Act 2009 or Violent Crime Reduction Act 2006;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance;
- the power of the police, other responsible authorities or other persons to seek a review of a licence or certificate; and
Powers via the Police Reform and Social Responsibility Act 2011, such as Early Morning Alcohol Restriction Orders (EMROs) or the Late Night Levy (LNL).

5.5 The Licensing Authority has undertaken the following steps in considering whether to adopt a special policy on cumulative effect within this statement of licensing policy:

- Identified concern about crime and disorder, public nuisance, public safety and protecting children from harm
- Considered whether there is good evidence that there are impacts upon the licensing objectives which are caused by customers of licensed premises, and that the risk of cumulative impact is imminent
- Identified the boundaries of the areas where problems are occurring
- Consulted with those specified in section 5(3) of the Licensing Act 2003, on the proposal for a special policy in relation to new applications and variations to existing premises licences and club premises certificates and considered the outcome of the consultation

5.6 Having considered the available evidence and statutory guidance, and undertaken consultation and considered responses, the Licensing Authority is satisfied that: there is evidence of a disproportionate detrimental effect on neighbouring businesses and residents resulting from the operation of the licensed trade; the operation of a number of premises in a defined area has the effect of undermining the licensing objectives; and that it is appropriate to adopt a special policy to control cumulative impact. The special policy relating to cumulative impact is set out in paragraphs 5.7-5.20 below.

Special Policy on Cumulative Impact

5.7 This special policy creates a rebuttable presumption that the applications and premises types identified in paragraph 5.18 and within the areas set out in paragraph 5.20 will normally be refused, unless the applicant can demonstrate via their Operating Schedule why the operation of the premises involved will not add to the cumulative impact already being experienced.

5.8 Responsible authorities and/or other persons will still need to make a relevant representation before the Licensing Authority may lawfully consider its special policy i.e. if no representation is received, the application must be granted (subject to such conditions as are consistent with the operating schedule and any mandatory conditions required by the Licensing Act 2003).

5.9 For their representation to be considered ‘relevant’, responsible authorities and other persons may make a written representation referring to the information considered by the Licensing Authority when developing this Statement of Licensing Policy.

5.10 The Licensing Authority recognises that a special policy should never be absolute. The circumstances of each application will be considered properly and on its own merits, and applications that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or variation, the licensing authority will consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the Licensing Authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.
5.11 This special policy will not be used:

- as a ground for revoking an existing licence or certificate when representations are received about problems with those premises;
- to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (as would be the case with an application to vary a licence with a view to increasing the capacity limits of the premises) and are appropriate for the promotion of the licensing objectives;
- to include any provisions for a terminal hour in any particular area which might impose a fixed closing time akin to that under the ‘permitted hours’ provisions of the Licensing Act 1964;
- to impose quotas - based on either the number of premises or the capacity of those premises - that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas. Quotas have no regard to individual characteristics of the premises concerned. Proper regard will be given to those differences and the differing impact they will have on the promotion of the licensing objectives.

5.12 This special policy will be reviewed regularly to assess whether it is still needed or should be expanded.

Reason for Policy

5.13 Data were provided by various agencies relating to the impacts of the licensed trade upon the licensing objectives, where possible covering the period April 2010-March 2013. This evidence included:

- Alcohol-related crime and disorder which is not linked to a licensed premises (Suffolk Constabulary);
- Section 27 Dispersal Notices issued to night-time economy users and street drinkers (Suffolk Constabulary);
- Police events relating to street drinkers (Suffolk Constabulary);
- Accident and Emergency data relating to alcohol-related illness and injury (Ipswich Borough Council);
- Town Pastor encounter data (Ipswich Borough Council);
- Taxi Marshalling data (Ipswich Borough Council);
- Qualitative comments from Environmental Protection about noise (Ipswich Borough Council);
- Qualitative comments from Waste Services about litter (Ipswich Borough Council);
- Qualitative comments from Trading Standards about underage issues (Suffolk County Council);
- Qualitative comments from Barwatch as representative of the licensed trade.

5.14 Analysis of the evidence provided in paragraph 5.13 demonstrates that there are impacts on the licensing objectives resulting from the operation of both on- and off-licensed premises. Appendix 1 provides the cumulative analysis of these datasets: the evidence demonstrated that most problems occur at the weekend and between 2300hrs and 0400hrs (peaking at 0100hrs) and reflects the impacts of the night-time economy; however there is also an increase in issues between 1000hrs and 2100hrs (peaking at 1500hrs) and reflects street drinker-related issues. The qualitative comments received support this and also suggest that late night refreshment premises add to the effects by providing a place where drunken persons congregate, leading to disorder, and add to problems associated with litter.
5.15 The above evidence was also mapped to identify the areas where most problems occur across the whole borough. Appendix 2 demonstrates these areas as experiencing a high level of alcohol-related crime and disorder, issues with public nuisance, problems with underage sales and risks to public safety.

5.16 Whilst many of the alternative powers for dealing with the impacts of the licensed trade outlined in paragraph 5.4 are being utilised, and whilst there are many other initiatives taking place, a cumulative impact policy for Ipswich would build on this good work further.

5.17 Furthermore, whilst the Licensing Authority supports the contribution of the night-time economy and licensed trade generally, on the basis of the evidence presented, the Licensing Committee has decided that it is appropriate to adopt a cumulative impact policy to promote the four licensing objectives:

- Prevention of Crime and Disorder;
- Promotion of Public Safety;
- Prevention of Public Nuisance;
- Protection of Children from Harm.

5.18 Based on the evidence considered, the cumulative impact policy will apply to applications for:

- New Premises Licences;
- New Club Premises Certificates;
- Provisional Statements;
- Variations to Premises Licences or Club Premises Certificates which are likely to add to the existing cumulative impact (e.g. by asking for an extension to authorised hours for licensable activity, increase in capacity),

And, will apply to premises which:

- Authorise the sale of alcohol for consumption on the premises, and/or;
- Authorise the sale of alcohol for consumption off the premises, and/or;
- Authorise the supply of late night refreshment.

5.19 The cumulative impact policy will not apply to applications or premises for which the supply of alcohol is ancillary to the primary business use (e.g. because alcohol is only supplied to persons residing at the premises or with a table meal).

5.20 Based on the evidence considered, an area has been identified as having a significant concentration of licensed premises and high level of alcohol-related crime and disorder, issues with public nuisance, problems with underage sales and risks to public safety. The special policy therefore applies to the areas created within the boundaries formed by the following roads. A map of the area to which this policy applies is included at appendix 3:

- Norwich Road (towards town from the ‘Ferodo’ bridge)
- Anglesea Road
- Henley Road
- Fonnereau Road
- St Margaret’s Plain
- St Margaret’s Street
- Woodbridge Road - to its junction with North Hill Road
- Warwick Road
- Grove Lane
- Back Hamlet
- Fore Hamlet to its junction with Myrtle Road.
- Myrtle Road
- Along the Western edge of Holywell’s Park from Myrtle Road to Cliff Lane
- Drayman’s Way
- Along a line between the southern end of Drayman’s Way and the River Orwell
- Waterfront
- Bath Street
- Station Street
- Wherstead Road
- Croft Street
- Rectory Road
- Luther Road
- Railway line followed from Burrell Road around the west of Ipswich to Norwich Road

6. Licensing Hours

6.1 The Licensing Authority, through the exercise of its licensing functions and once its discretion is engaged, shall not seek to restrict the trading hours of any particular premises unless it is considered appropriate to promote one or more of the licensing objectives. Each application will be considered individually on its own merits.

6.2 In the absence of any specific reasons linked to the licensing objectives, the Licensing Authority will not seek to restrict licensed retail outlets ability to sell alcohol for consumption off the premises throughout their general trading hours. A possible example of an occasion when a limitation could be considered would be following Police representations that a shop was known to be a focal point for crime and disorder.

6.3 The Licensing Authority recognises that providing consumers with greater choice and flexibility is an important consideration and that in some circumstances flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided, which in turn can reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which can lead to crime, disorder and disturbance.

6.4 The Licensing Authority also acknowledges that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists.

6.5 The Licensing Authority will however, where its discretion is engaged, always carefully balance the considerations in 6.3 and 6.4 above against its duty to promote the licensing objectives and protect the rights of local residents and businesses in the vicinity of licensed premises.

6.6 The Licensing Authority will consider each application individually on its merits, once its discretion is engaged, and notes the Government’s guidance that there is no general presumption in favour of lengthening licensing hours and that the four licensing objectives should be paramount considerations at all times. Where there are relevant representations against an application and the Licensing & Regulatory Committee believes that granting the licensing hours proposed would undermine the licensing objectives then it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

6.7 Irrespective of the hours of operation granted for a premises under any licence under the Act, the premises operators should ensure that they comply with any limitation on hours imposed under any other relevant legislation in force - for example Planning law, Sunday Trading Act 1994 or Christmas Day (Trading) Act 2004.
7. Relevant Representations

7.1 A relevant representation is one that is made in writing and:

- is about the likely effect of the licence on the promotion of the licensing objectives;
- has been made by a responsible authority, or other person as defined by the Act, within the relevant time period as prescribed by regulation;
- has not been withdrawn; and
- has not been determined by the Licensing Authority as frivolous or vexatious (or repetitious in respect of a review).

7.2 In ‘borderline’ cases, the Licensing Authority will normally give the benefit of the doubt to the other person or responsible authority making the representation, and any subsequent hearing would provide an opportunity for the person or body making the representation to amplify and clarify it. However, the Licensing Authority could decide not to take any action in respect of the application if, for example, the representation could not be supported.

7.3 Electronic representations will be administered in accordance with the requirements of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Amendment) (Electronic Applications etc.) Regulations 2009 and are accepted by the Licensing Authority provided that the representation is received within the prescribed time limits.

7.4 Representations can be made in opposition to, or in support of, an application. In cases where only ‘positive’ representations are made, without qualifications, the Licensing Authority will consider whether a hearing is necessary, and may contact the other persons concerned to give them an opportunity to withdraw their representations.

7.5 The Licensing Authority will determine whether:

- the representation has been made by any other person as defined under the Act; and
- any ordinary and reasonable person would consider the issue(s) raised in a representation as frivolous or vexatious (or repetitious in respect of a review).

Any other person aggrieved by a rejection of their representation on these grounds may challenge the Licensing Authority’s decision by way of judicial review.

7.6 Where a relevant representation is made in respect of:

- an application; or
- an existing licensed premises

a hearing will be held, unless an agreement is reached between the Licensing Authority, the applicant and all of the parties who have made relevant representations, that a hearing is not required.

7.7 The Licensing Authority will attempt mediation between the relevant parties wherever it may be practicable or appropriate to do so, so as to avoid unnecessary hearings. It may also extend the normal time limits for hearings where it is considered in the public interest to do so (for example where all parties are on the point of reaching agreement).

7.8 It should be noted that the usual hearing arrangements, following receipt of a relevant representation, do not apply to applications for Minor Variations. For these processes the power to determine the application has been delegated to the Licensing Officer, and no hearing mechanism is involved. Relevant representations and statutory guidance will, however, be considered as part of this process, and applications shall be assessed individually and on merit by the relevant officer.
8. Administration, Exercise and Delegations of Functions

8.1 The Council’s published scheme of delegations under the Licensing Act 2003 is contained in the Council’s Constitution and is available on the Council website at www.ipswich.gov.uk or by contacting the Licensing Team.

8.2 Where an application has been lawfully made under the Act, and no relevant representations are outstanding, the Licensing Authority will grant the application, in accordance with the requirements of the Act under the authority delegated to an officer. The exceptions to this usual administrative process are minor variations and community premises mandatory conditions disapplication requests, as referred to elsewhere in this document.

9. Hearings

(Subject to Regulations issued under s.183 of the Act):

9.1 Where a hearing is held, any relevant representations made will be put before the Licensing Sub-Committee. The representations, including the name and address of the person making them, will become part of a public document. If any other person is deterred from making a representation due to these requirements, for example if they have a genuine and well-founded fear of intimidation or violence, then they should promptly contact the Licensing Team for advice.

9.2 The hearing will be conducted in accordance with the Licensing Authority’s published procedure, which is available on the Council website at www.ipswich.gov.uk or directly from the Licensing Team upon request. The hearing will take the form of an informal discussion led by the Licensing Authority.

9.3 Where an application is determined at a hearing, the Licensing Sub-Committee will give appropriate weight to the:

- relevant representations made;
- submissions and any evidence presented by all parties;
- Guidance issued under section 182 of the Act (as may be amended from time to time);
- Licensing Authority’s Statement of Licensing Policy; and
- steps appropriate to promote the licensing objectives.

9.4 The Licensing Authority may use the power given within the hearings regulations to extend time limits where it considers this to be in the public interest. Extending time limits in the public interest will be assessed individually on a case by case basis.

9.5 The Licensing Act 2003 provides for a mediation process between parties. Where it is appropriate for the Licensing Authority to do so, following a relevant representation being made, the Authority shall make all reasonable efforts to facilitate mediation. In doing so the Licensing Authority will be mindful of the legislative framework and any relevant government guidance.

10. Conditions

10.1 The 2003 Act (under sections 19-21) makes provision for certain mandatory conditions which are summarised below:

(a) Where a premises licence authorises the sale or supply of alcohol, no supply may be made at any time when there is:
No designated premises supervisor in respect of the licence; or
- At a time when the designated premises supervisor does not hold a personal licence or it is suspended.

(b) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring that the admission of children is restricted in accordance with the recommendation of the film classification body, or where varied, the film classification awarded by the Licensing Authority. (Note: The Licensing Authority may either award a classification to an unclassified film or vary the classification of a film upon application in accordance with its policy).

The Licensing Authority recognise the British Board of Film Classification (BBFC), or any successor person or persons designated as the authority under section 4 of the Video Recordings Act 1984, as the relevant film classification body for these purposes.

(c) Where a licence includes a condition requiring that one or more individuals are present at the premises to carry out security activities, the licence must include a condition requiring such individuals to be licensed by the Security Industry Authority. This requirement will not normally apply to employees who benefit from any relevant exemption under the Private Security Industry Authority Act 2001 (the 2001 Act) or by virtue of any other legislation (for example the Violent Crime Reduction Act 2006).

(Note: A premises licence need not impose such a requirement in relation to those licensed premises which the 2001 Act treats as ‘unlicensed premises’ – being premises staging plays or exhibiting films, licensed gaming premises such as casinos and bingo halls, and premises where a club certificate is in force and when activities are being carried on under the authority of that certificate).

10.2 There are also mandatory conditions relating to a code of conduct for holders of ON licensed premises, via the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 - arising from the Policing and Crime Act 2009 and relating to irresponsible alcohol promotions; provision of free tap water; age verification policies (this requirement is also applicable to OFF licensed premises) and smaller alcohol measures. The Secretary of State has powers to set further mandatory conditions and may use this power from time to time.

10.3 The Licensing Authority may not attach to a licence authorising the performance of plays any condition which restricts the nature or manner of performing those plays (other than on the grounds of public safety).

10.4 With the exception of the above mandatory conditions, once its discretion is engaged the Licensing Authority will only attach appropriate and proportionate conditions to a premises licence or club premises certificate or in certain circumstances a Temporary Event Notice, where these:
  - are consistent with the issues addressed in the operating schedule which the applicant submits as part of their application; and
  - are appropriate for the promotion of the licensing objectives.

10.5 It is the intention of the Licensing Authority to express any such conditions in unequivocal and unambiguous terms and such conditions will be tailored to the specific premises concerned.
10.6 In so far as conditions proposed by any applicant are concerned the Guidance states that it is not acceptable for the Licensing Authority to simply replicate the wording from the Operating Schedule. The authority will endeavour to interpret any condition in accordance with the applicant's intention.

10.7 A committee or board of individuals with responsibility for the management of community premises ("the management committee") may apply to have an alternative licence condition included in a premises licence in place of the normal mandatory conditions. The alternative condition is that every supply of alcohol under the licence be made or authorised by the management committee.

11. Appeals

11.1 Entitlement to appeal against any decision of the Licensing Authority is set out in Schedule 5 of the Act.

12. Enforcement

12.1 Where necessary, enforcement action will be considered in accordance with the Compliance Code and the Council's General Enforcement Policy. These guidelines are available direct from Ipswich Borough Council and may be subject to periodic amendment.

12.2 The emphasis will be upon a risk-assessed and targeted approach to inspections, concentrating on those premises which either:

- present a greater risk;
- have a history of non-compliance with conditions/regulation; or
- demonstrate poor management practice which undermines the licensing objectives.

12.3 The Licensing Authority has adopted a joint enforcement protocol with partner authorities – available via the Council website at www.ipswich.gov.uk or upon request from the Licensing Team.

12.4 The Council will normally act as the enforcing authority in respect of offences under the Act, and for breaches of licence conditions, unless the circumstances of the particular case are such that it is appropriate for another responsible authority to act, in accordance with the agreed enforcement concordat, instead.

12.5 Suffolk Constabulary will retain responsibility as the enforcing authority in respect of the following offences under the Act:

- Section 97 Powers to enter and search
- Section 143 Failure to leave licensed premises
- Section 144 Keeping of smuggled goods
- Section 155 Confiscation of alcohol;
- Section 157 Power to prohibit sale of alcohol on a train; and
- Part 8 offences with respect to closure of premises.

12.6 Suffolk County Council Trading Standards will retain responsibility as the enforcing authority in respect of the following offences under the Act, and may work in partnership where appropriate with Suffolk Constabulary in relation to the investigation and enforcement of underage sales:

- Section 146 Sale of alcohol to children
- Section 147 Allowing the sale of alcohol to children
• Section 147A Persistently selling alcohol underage  
• Section 154 Weights and measures offences  
  (which enable Trading Standards Officers to conduct test purchases and authorise other persons to do so).

12.7 Where expedient for the promotion or protection of the interests of the inhabitants of their area, the Council may also take action under Section 222 of the Local Government Act 1972, and other relevant provisions including Section 40 of the Anti-Social Behaviour Act 2003. The Council will also have due regard to section 17 of the Crime and Disorder Act 1998 whilst carrying out its functions.

13. **Closure Orders/Notices**

13.1 Part 8 of the Licensing Act 2003 provides for the arrangements relating to closure orders, and there are also powers available to the Local Authority and/or responsible authorities/court to close premises via other legislation on grounds of serious crime or disorder, persistent nuisance or protection of children - for example under the Violent Crime Reduction Act 2006, Criminal Justice and Immigration Act 2008 and Anti-Social Behaviour Act 2003.

13.2 Where a Magistrates' Court has determined to exercise its powers in respect of a closure order, the Licensing Authority must conduct a review of the relevant premises licence in accordance with procedures prescribed by regulation. This will normally involve:

- serving notice on the premises licence holder and responsible authorities and advertising the review in accordance with the regulations;
- holding a hearing in accordance with the procedures outlined in section 9 of this Statement of Licensing Policy to review the premises licence; and
- determining the review no later than 28 days after the day on which it receives the notice of the closure order from the Magistrates’ Court.

13.3 When determining a review following the notice of a closure order, the Licensing Authority will consider:

- the closure order and any extension to it;
- any order under section 165(2); and
- any relevant representations; and will

  take such steps as it considers appropriate to promote the licensing objectives as outlined in section 28.5 of this Statement of Licensing Policy.

13.4 The Licensing Authority will notify the licence holder, the Chief Officer of Police and any person who made relevant representations of the outcome of the review hearing, including reasons for the decision. The Licensing Authority may suspend the operation of its decision until the end of the period given to appeal, or until the appeal is disposed of (if not already suspended by the Magistrates’ Court).

14. **Addressing the Licensing Objectives**

14.1 In respect of addressing each of the four licensing objectives in their Operating Schedule, applicants should carefully consider what steps they believe are appropriate to promote the licensing objectives, relevant to the individual style and characteristics of their premises and activities. Reference could be made as to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to attract larger audiences.
Whilst applicants are not required to seek the views of responsible authorities before formally submitting applications, the Licensing Authority strongly encourage applicants to do so when drafting their operating schedule as applicants may find this a source of useful advice when addressing the licensing objectives. This may in some instances reduce the possibility of responsible authorities, or other persons, raising representations against an application. Organisers of large, temporary outdoor events (such as music festivals, fairs, shows and carnivals) are strongly encouraged to engage as early as possible with the responsible authorities to ensure that their planned event is developed in a way likely to promote the licensing objectives.

Steps volunteered by applicants within their operating schedule will very often directly translate to conditions on the licence. The Licensing Authority encourages applicants to state their proposed steps to promote the licensing objectives in unequivocal and unambiguous terms.

15. Prevention of Crime and Disorder

15.1 The Council is committed to further improving the quality of life in its area by continuing to help reduce crime and disorder and the fear of crime. To this end, the Licensing Authority strongly encourages applicants and licensees to ensure that relevant factors within their control which impact on crime and disorder have been considered, for example:

- underage drinking;
- drunkenness on the premises;
- drunkenness in public;
- drugs;
- violent behaviour; and
- anti-social behaviour.

15.2 Section 17 of the Crime and Disorder Act 1998 imposes a duty on each Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

15.3 In order to promote the prevention of crime and disorder objective, licence holders are encouraged to become active partners with the Licensing Authority and Responsible Authorities. Applicants are encouraged to demonstrate in their operating schedule that relevant, suitable and sufficient measures within their control have been considered and identified and will be implemented and maintained in order to reduce or prevent crime and disorder on, and in the vicinity of, their premises.

15.4 When addressing the issue of crime and disorder in their operating schedule, applicants may consider, but are not limited to, factors identified at paragraph 15.1 above.

15.5 Applicants may find it helpful to contact the local Safer Neighbourhood Team (SNT) or Ipswich Community Safety Partnership (CSP) in advance of making their application, as the SNT/CSP may be able to offer expert advice and guidance on local crime and disorder issues and promotion of this licensing objective.

15.6 The following examples of control measures are given to assist applicants with developing their Operating Schedule, having regard to their particular type of premises and/or activities. These are not in any way to be regarded as standard conditions or mandatory requirements:

(a) effective and responsible management of premises;
(b) prevention of overcrowding;
(c) training and supervision of staff;
(d) adoption of best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other industry codes of practice, including those produced by the Portman Group);
(e) use of accredited ‘proof of age’ schemes (for example Challenge 21 or Challenge 25) where it is intended to operate more stringent measures that those contained within mandatory conditions (see 10.2 of this document);
(f) signing up to and actively participating in the Ipswich Barwatch scheme where it is in operation;
(g) provision and use of effective CCTV in and around premises;
(h) use of Security Industry Authority licensed door staff (during specified days/times);
(i) provision of toughened or plastic/polycarbonate glasses and polyethylene terephthalate (PET) bottles;
(j) Decanting glass bottles into toughened, polyethylene terephthalate (PET) or plastic polycarbonate drinking glasses;
(k) provision of secure deposit boxes for confiscated items (‘amnesty bins’);
(l) provision of litter bins and other security measures, such as lighting, outside premises;
(m) control of customers entering and leaving with opened bottles/glasses – for example whilst they are observing smokefree regulations;
(n) demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers.
(o) Searching policy
(p) Dispersal Policy
(q) Risk assessment process to consider the crime and disorder implications of individual DJ’s and Promoters.

15.7 Within the operating schedule for a premises from which alcohol will be sold, a premises supervisor must be designated (Designated Premises Supervisor or ‘DPS’), unless a relevant community premises disapplication has been applied for/authorised. The DPS will often have been given the day-to-day responsibility for running the premises by the premises licence holder and, as such, will usually be the first point of contact for authorised officers. In exceptional circumstances, the police may object to the designation of a new DPS where they believe that such an appointment would undermine the crime prevention objective.

15.8 Where the police object to an individual being appointed as a Designated Premises Supervisor, or object to an application made by community premises management committee for the inclusion of the alternative licence condition, the Licensing Authority will arrange for a hearing at which the issue can be considered in accordance with the procedure outlined in section 9 of this Statement of Licensing Policy.

15.9 The Licensing Sub-Committee considering the matter will confine their consideration to the prevention of crime and disorder objective.

15.10 Certain temporary events (see section 22 of this Statement of Licensing Policy) should be notified to the Licensing Authority using the Temporary Event Notice procedure. Depending on the nature and location of such temporary events these may, on occasion, have crime and disorder implications. Organisers of such events are encouraged to submit their notification as soon as reasonably practicable in advance of the event (and no later than 10 working days before the event in line with existing statutory requirements) to enable the Police and the Local Authority to work with them to identify and reduce the risk of crime and disorder.
16. **Public Safety**

16.1 The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be encouraged to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety. These factors may include, but are not limited to:

(a) the occupancy capacity of the premises (including staff and performers). Note: If a capacity has been imposed/set through other legislation, for example under Fire Safety legislation, it may not be appropriate to reproduce it in a premises licence. Anticipated maximum capacity/attendance for large, temporary outdoor events should be made clear.

(b) the age, design and layout of the premises, including means of escape in the event of fire or other emergency

(c) the nature of the licensable activities to be provided and whether those activities are of a temporary, occasional or permanent nature, and/or involve the sale or supply of alcohol or any special effects.

(d) the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)

(e) customer profile (such as age, disability or culture)

(f) the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.

(g) demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers.

16.2 The Licensing Authority shall not seek to impose fire safety conditions where the Regulatory Reform (Fire Safety) Order 2005 adequately controls such matters.

16.3 The following examples of possible control measures are given to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or activities. These are not in any way to be regarded as standard conditions or mandatory requirements:

(a) suitable and sufficient risk-assessments. Some applicants may wish to consider a commitment in their operating schedule to providing the relevant authorities with a full risk assessment prior to the commencement of licensable activities (this may be particular relevant to large temporary outdoor events).

(b) effective and responsible management of premises

(c) provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons/staff

(d) appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons

(e) adoption of best practice guidance and other voluntary codes of practice (Note: Applicants may wish to contact the local Health & Safety officers or HSE for advice)

(f) provision and use of effective CCTV in and around premises

(g) provision of toughened or plastic/polycarbonate glasses and polyethylene terephthalate (PET) bottles;

(h) decanting glass bottles into toughened, polyethylene terephthalate (PET) or plastic polycarbonate drinking glasses;

(i) implementation of crowd management measures

(j) monitoring arrangements such as door staff, ticketing, attendance clickers or maintenance of attendance records

(k) regular/periodic review and testing (and certification where appropriate) of procedures, appliances, systems etc pertinent to safety
17. Prevention of Public Nuisance

17.1 Licensed premises can have significant potential to impact adversely on persons in the vicinity through public nuisances that arise from their operation.

17.2 Subject to case law the Licensing Authority interprets ‘public nuisance’ in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in the vicinity of a licensed premises.

17.3 Applicants will be encouraged to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance.

17.4 The Licensing Authority recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises, particularly where:

- they are situated in a residential or noise sensitive area; or
- extended opening hours are proposed.

The Licensing Authority recognises that beyond the immediate vicinity of the premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behavior are accountable in their own right.

17.5 When addressing the issue of prevention of public nuisance in their operating schedule, the applicant may identify steps to show that those factors that impact on the prevention of public nuisance objective have been considered. These may include, but are not limited to:

- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, care homes, hospices and places of worship
- the hours of operation, particularly between 23.00hrs and 07.00hrs
- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside
- the design and layout of premises and in particular the presence of noise limiting features
- the occupancy capacity of the premises
- the availability of public transport/taxi and private hire services to assist the dispersal of patrons
- ‘wind down period’ between the end of the licensable activities and closure of the premises
- last admission time

17.6 The following examples of control measures are given to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or activities. These are not exhaustive, and are not to be regarded in any way as standard conditions or mandatory requirements, but include:

(a) effective and responsible management of premises;
(b) appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance;
(c) control of operating hours for all or parts (such as garden, patio and terraced areas) of premises, including such matters as deliveries or the collection or disposal of glassware;
(d) impact on neighbours due to customers opening doors and/or going outside to smoke;
(e) adoption of best practice guidance (such as the Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by the Institute of Acoustics, Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other industry codes of practice). The local Environmental Protection officer may be able to offer some helpful advice in this respect;
(f) installation and effective maintenance of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
(g) management of people, including staff, and traffic (and resulting queues) arriving and leaving premises;
(h) liaison with public transport/taxi and private hire service providers;
(i) siting of external lighting, including security lighting. The local Environmental Protection Officer may assist in ensuring any external lighting minimises the potential for light pollution nuisance;
(j) management arrangements for collection and disposal of litter;
(k) effective ventilation systems to prevent nuisance from odour;
(l) demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers;
(m) a dispersal policy.
(n) any adverse noise created by any ventilation or air conditioning system or any other machinery positioned outside the building.

17.7 Please note that applicants should consider contacting the local Planning Authority for advice on whether any proposed installation of lighting, ventilation, soundproofing, smoking shelter or other works require planning consent from the Planning Authority. This may be particularly relevant if the premises is a listed building.

18. Protection of Children from Harm

18.1 The Licensing Authority, once its discretion is engaged concerning an application, shall not seek to limit the access of children to any premises unless it is appropriate for the prevention of their physical, moral or psychological harm. Consideration shall be given to the individual merits of each application.

18.2 Whilst the Licensing Authority cannot anticipate every possible issue of concern that could arise in respect of children in relation to individual premises, areas that will give rise to particular concern in respect of children would include premises:

- Where entertainment or services of an adult or sexual nature are provided (whether permanently or occasionally);
- Where there have been convictions of members of the current staff at the premises for selling alcohol to minors or with a reputation for underage drinking;
- With a known association with drug taking or dealing;
- Where there is a strong element of gambling on the premises (but not for example the simple presence of a small number of cash prize gaming machines); and
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

18.3 Whilst it is not possible for the Licensing Authority to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature, examples would generally include topless bar staff, striptease, lap-dancing, table-dancing, pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. It should be noted that premises deemed as 'sexual entertainment venues' under the Policing and Crime Act 2009 are also likely to require an additional licence under the Local Government (Miscellaneous Provisions) Act 1982.
18.4 The 2003 Act made it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a Temporary Event Notice (TEN). ‘Exclusively or primarily’ in relation to the consumption of alcohol will bear their ordinary and natural meaning in the context of the particular circumstances.

18.5 In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at other premises supplying alcohol for consumption on the premises under the authority of a premises licence, club premises certificate or where that activity is carried on under the authority of a Temporary Event Notice (TEN).

18.6 The Licensing Authority considers that, subject only to the provisions of the 2003 Act and unless restriction of access is appropriate to protect children from harm, this is a matter for the discretion of the licensee.

18.7 The Licensing Authority shall not seek to impose any condition on any licence or certificate requiring the admission of children.

18.8 Applicants will be encouraged to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm.

18.9 Where it is appropriate for promotion of the protection of children from harm licensing objective, there are a range of alternatives which may be considered for limiting the access of children. These could include:

(a) Limitations on the hours when children may be present;
(b) Limitations excluding the presence of children under certain ages when particular activities are taking place;
(c) Limitations on the parts of premises to which children might be given access;
(d) Age limitations (below 18);
(e) Requirements for accompanying adults; and
(f) Full exclusion from those under 18 from the premises when any licensable activities are taking place.

18.10 The following examples of possible control measures are given purely to assist applicants with preparing their operating schedules, having regard to their particular type of premises and activities. These examples are not exhaustive, and are not in any way to be treated as standard conditions or mandatory requirements, but include:

(a) provision of a sufficient number of people employed or engaged to secure the protection of children from harm
(b) appropriate instruction, training, supervision and background checks of those employed or engaged to secure the protection of children from harm
(c) adoption of best practice guidance (for example Public Places Charter)
(d) limitations on the hours when children may be present in all or parts of the premises
(e) the presence of an adequate number of adult staff to control the access and egress of children and to protect them from harm whilst on the premises
(f) an adequate number of adult staff to be responsible for the child performers. Criminal Records Bureau/ISA checks on such adult staff may be appropriate.
(g) use of accredited ‘proof of age’ schemes (for example Challenge 21 or Challenge 25) where it is intended to operate more stringent measures that those contained within mandatory conditions (see 10.2 of this document)
18.11 While the 2003 Act makes it an offence to supply alcohol to someone who is under 18 (or 16 in certain circumstances), the Equality Act 2010 makes it illegal to refuse to provide goods or services on the basis of age. However, it provides an exemption for licensed premises provided that an age warning statement is displayed stating that alcohol will not be provided if the customer:
(a) appears to be less than the specified age; and
(b) fails to produce satisfactory identification to prove their age.

18.12 Where film exhibitions are authorised at a premises, the licence shall include a mandatory condition (section 20 of the Act) requiring that children are restricted from viewing age-restricted films in accordance with the British Board of Film Classification (BBFC), or in accordance with any recommendation made by the Licensing Authority.

18.13 The Licensing Authority recognise the British Board of Film Classification (BBFC), or any successor person or persons designated as the authority under section 4 of the Video Recordings Act 1984, as the relevant film classification body for these purposes.

18.14 Where an application is being made for a films activity, it is recommended that the applicant consider in their operating schedule how they will protect children from harm - for example a commitment to prohibiting or restricting the access of children to any film showing, or part thereof, that could give rise to concerns in protecting them from moral, psychological or physical harm.

For a non-BBFC rated film showing (for example the showing of a recorded television broadcast) the Licensing Authority may set an age restriction on the admission of children to that viewing.

The Licensing Authority seeks to work in partnership with licence holders in promotion of the licensing objectives, and Premises Licence/Club Premises Certificate holders may contact the Licensing Authority for guidance if they are planning to show a film that is not BBFC rated and may not be suitable for the presence of children. Where the Licensing Authority is minded to make any recommendation on a non-BBFC rated film showing it will do so in writing to the licence or certificate holder.

18.15 The Licensing Authority recognises the Suffolk Safeguarding Children's Board (SSCB), who have nominated their duties to the Suffolk Constabulary Child Protection Teams, as being competent to advise on matters relating to the protection of children from harm. The contact details are available from the Licensing Section or www.ipswich.gov.uk

18.16 Suffolk County Council Trading Standards and Suffolk Constabulary may, in conjunction with other appropriate agencies, conduct test purchases to check the compliance of retailers with the prohibition on underage sales of alcohol.

19. Personal Licences
(Subject to Regulations issued under s.117 and s.133 of the Act):

19.1 The Licensing Authority will grant a personal licence if the applicant has met the requirements set out in the Act and no objections are received.

19.2 Where an applicant is found to have an unspent conviction for a relevant offence or a foreign offence, and the police object to the application on crime prevention grounds, the application will normally be referred to a Sub-Committee of the Licensing & Regulatory Committee.

19.3 Any hearing will be held in accordance with the procedure referred to in section 9 of this Statement of Licensing Policy.
19.4 All personal licence holders should ensure they are aware of the offences relating to personal licences, for example the duty of the holder to advise the Court of the existence of their personal licence if charged with a relevant offence and to advise the Licensing Authority of changes to name or address.

19.5 In accordance with the Guidance issued under section 182 of the Licensing Act 2003, the Licensing Authority recommends that personal licence holders (and DPSs/authorised community premises management committees) overtly authorise individuals in writing to sell alcohol under the authority of their personal licence/duty where the personal licence holder or DPS/management committee is unable to authorise the transaction(s) in person.

20. Applications for Premises Licences
(Subject to Regulations issued under s.17, s.54 and s.55 of the Act):

20.1 Advice about making an application can be obtained by contacting the Licensing Team Other relevant information, such as contact details for responsible authorities and other guidance documents, is available on the Council website at www.ipswich.gov.uk or by contacting the Licensing Team.

20.2 Pre-application discussions with responsible authorities are strongly encouraged to assist applicants with development of their operating schedule in a way which is likely to promote the licensing objectives.

20.3 The Licensing Act 2003 provides for a mediation process between parties. Where it is appropriate for the Licensing Authority to do so, following a relevant representation being made, the Authority shall make all reasonable efforts to facilitate mediation. In doing so the Licensing Authority will be mindful of the legislative framework and any relevant government guidance. It may also extend the normal time limits for hearings where it is considered in the public interest to do so (for example where all parties are on the point of reaching agreement, or so as to ensure that it is possible for a party to attend the hearing).

20.4 An application can be made to the Licensing Authority for any place within its area to be used for licensable activities or recognised club activities. The application requirements are prescribed by regulation and will normally include:

   a) the required fee;
   b) an operating schedule;
   c) plan of the premises, in accordance with regulatory requirements; and
   d) if it is intended that the premises be authorised to sell alcohol, a form of consent given by the person the applicant wishes to have specified in the Premises Licence as the Designated Premises Supervisor (DPS), or else request to disapply this usual requirement if for an eligible ‘community premises’.

20.5 The Operating Schedule will include a statement of:

   a) the relevant licensable activities, including a description of the style and character of the business and activities to be conducted on the premises;
   b) the times during which the applicant proposes that the relevant licensable activities are to take place;
   c) any other times during which the applicant proposes that the premises are to be open to the public;
   d) where the applicant wishes the licence to have effect for a limited period, that period;
   e) where the relevant licensable activities include the sale by retail of alcohol, the name and address of the individual whom the applicant wishes to have specified as the Designated Premises Supervisor and a consent form signed by that person including details of their personal licence (or else a ‘community premises’ disapplication request may be applicable);
f) where the relevant licensable activities include the sale by retail of alcohol, whether such sales are proposed to be for consumption on the premises or off the premises, or both;
g) the steps which the applicant proposes to take to promote the licensing objectives;
h) the measures which the applicant proposes to take to demonstrate how operation of the premises will not add to cumulative effect in their area, if a special policy relating to cumulative impact has effect; and
i) any other prescribed matters.

20.6 Where relevant representations are received about an application, and those representations are not withdrawn, the application will normally be referred to a Sub-Committee of the Licensing & Regulatory Committee, which will be held in accordance with the procedure referred to in section 9 of this Statement of Licensing Policy.

20.7 Where a premises licence application is being applied for to authorise a large scale outdoor event of a temporary nature (for example a music concert, street fair, show or carnival) the Licensing Authority strongly recommends that applicants contact the responsible authorities as soon as possible in advance of making their application in order to seek expert advice and guidance on formulation of their operating schedule to ensure that the event runs safely and with a view to promoting the four licensing objectives.

21. **Club Premises Certificates**

*(Subject to Regulations issued under s.71, s.91 and s.92 of the Act)*:

21.1 Paragraphs 20.1 to 20.3 above apply

21.2. The application requirements for a Club Premises Certificate are set by regulation and will normally include provision of:

a) the relevant fee;
b) the Club Operating Schedule;
c) a plan of the premises in accordance with regulatory requirements;
d) a copy of the rules of the Club; and
e) details to verify that the Club is a qualifying Club

21.3 The Club Operating Schedule will contain the following information:

a) details of the recognised Club activities to which the application relates;
b) the times during which it is proposed the recognised Club activities take place;
c) any other times during which it is proposed the premises are open to members and their guests;
d) the steps which it is proposed to take to promote the licensing objectives;
e) the measures which the applicant proposes to take to demonstrate how operation of the premises will not add to cumulative effect in their area, if a special policy relating to cumulative impact has effect; and
f) any other prescribed matters.

21.4. Where relevant representations are received in respect of an application, and those representations are not withdrawn, the application will normally be referred to a Sub-Committee of the Licensing & Regulatory Committee, and the hearing will be held in accordance with the procedure referred to in section 9 of this Statement of Licensing Policy.
22. **Temporary Events Notices (TENs)**

22.1 The Act sets out the terms and conditions under which an application for a TEN may be made. Standard TENs must be given a minimum of 10 working days prior to the first day of the event, and the Licensing Authority recommend that wherever possible notice-givers submit their TEN a minimum of 28 days prior to the commencement of the event. Should any statutory modifications be made to the TENs system, for example relating to service requirements, then the Licensing Authority shall have due regard to these and publicise any such changes including via its website at [www.ipswich.gov.uk](http://www.ipswich.gov.uk).

22.2 There is provision for making an application for a Late TEN. Such applications may be made no earlier than 9 working days before the event and no less than 5 working days before the event. The Licensing Authority understands this to mean 9 or 5 days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.

22.3 Where either a standard TEN or a late TEN is given and one or more of the relevant statutory limits are exceeded, the Licensing Authority will serve a Counter-Notice on the notice-giver in accordance with section 107 of the Licensing Act 2003 to prevent the licensable activities from going ahead. There is no provision under the Act to appeal against the issue of a Counter-Notice.

22.4 Where a TEN complies with the statutory requirements, the Licensing Authority shall record the notice in its licensing register and send an authorised copy of the Notice to the premises user unless the person who gave the notice is subsequently notified that it is the belief of the Licensing Authority that the notice was not served in accordance with the legislation or an objection notice was subsequently received from either the Suffolk Constabulary or Environmental Services.

22.5 Where either the Suffolk Constabulary or Environmental Services issue an objection notice to a standard TEN the Licensing Authority will consider this at a hearing (unless the objection notice is withdrawn before the hearing date). The hearing will be confined to consideration of the crime and disorder objective and will be held in accordance with the procedure outlined in section 9 above. If the TEN is submitted and there is an objection notice for an event that is at a premises that has either a premises licence or club premises certificate for all or part of the premises then the licensing authority can add conditions to the TEN provided such conditions are appropriate for the promotion of the licensing objectives and are consistent with the carrying out of the licensable activities under the TEN.

22.6 Where either the Suffolk Constabulary or Environmental Services issue an objection notice to a Late TEN, there is no provision either for the Licensing Authority to consider a hearing or add conditions.

22.7 The Licensing Authority will notify the applicant of its decision at least 24 hours before the beginning of the event period specified in the temporary event notice.

23. **Provisional Statements**

(Subject to Regulations issued under s.29 and s.30 of the Act):

23.1 The Act sets out the terms and conditions under which an application for a provisional statement may be made.

23.2 Where a Provisional Statement has been issued and a person subsequently applies for a Premises Licence in respect of the premises in accordance with the provisions of the Licensing Act, and:
(a) Given the information in the application for a Provisional Statement the person objecting could have made the same, or substantially the same, representations about the application but failed to do so without reasonable excuse; and,

(b) There has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.

representations made by that person to the Licensing Authority cannot be taken into account.

24. Variations of Licences
(Subject to Regulations issued under s.34, s.37 and s.84 of the Act):

24.1 An application for the variation of a premises licence or club premises certificate will be required for any circumstances set out in the Act and where any change to the premises has an impact on any of the four licensing objectives, for example:

- Varying the hours during which a licensable activity is permitted
- Adding or removing licensable activities
- Amending, adding or removing conditions within a licence; and
- Altering any aspect of the layout of the premises which is shown on the plan.

It should be noted that there is no provision in the Act for a variation application to be made in respect of a substantial variation. The licensing authority understands this to mean any proposed increase in the size of the premises of greater than 50% of the existing licensed area, although each application will be considered on its merit. Where there is a substantial variation, an application for a new premises licence should be made.

24.2 In certain circumstances there is provision for a limited consultation where the proposed changes are unlikely to adversely impact on the Licensing Objectives. This is known as a Minor Variation. The Licensing Authority will normally consider the following proposals as suitable for an application for a minor variation:

- Minor changes to plans;
- Removal of extant conditions to include those carried through from the Licensing Act 1964;
- Changes to the operating schedule to promote the licensing objectives as the result of discussions with any Responsible Authority.

24.3 The minor variation process is intended for some small variations to licences/certificates that will not adversely impact on promotion of the licensing objectives and do not include a proposed increase in ability to supply alcohol, by increasing either the authorised hours or licensed area for the sale or supply of alcohol. In each case the Licensing Authority will consult the relevant Responsible Authorities and make a decision on whether the variation could impact adversely on the licensing objectives. This process also makes a more limited provision for other persons to make comment on the proposals. In determining these applications, under his/her delegated authority on behalf of the Licensing Authority, the Licensing Officer shall carefully assess each application on a case-by-case basis in the light of government guidance and all relevant factors. The licence/certificate holder may wish to seek advice from responsible authorities, in advance of submitting an application, as to whether the licensing objectives are likely to be affected by the proposals.

24.4 If relevant representations are made and not withdrawn the Licensing Authority will normally hold a hearing, (unless a minor variation), which will be held in accordance with the procedure referred to in section 9 of this Statement of Licensing Policy. At that hearing the Licensing Authority may:
24.5 The Licensing Authority may determine a licence so that different conditions may apply to:

a) different parts of the premises concerned; and
b) different licensable activities,

where to do so would be considered appropriate and proportionate for promotion of the licensing objectives.

24.6 Where the police submit an objection to an application to vary a Designated Premises Supervisor (DPS), or from a community premises to disapply the usual mandatory conditions, because they consider that the circumstances are such that granting it would undermine the crime and disorder objective then a hearing will normally be held in accordance with the procedure referred to in section 9 of this Statement of Licensing Policy.

24.7 Where relevant representations are received in respect of a Minor Variation application, the application must be rejected.

25. Transfer of Premises Licences
(Subject to Regulations issued under s.42 of the Act):

25.1 Where an application is lawfully made under the Act for the transfer of a licence and the Police submit an objection to the application, the Licensing Authority will normally hold a hearing in accordance with the procedure referred to in section 9 of this Statement of Licensing Policy. This hearing will be confined to consideration of the crime and disorder objective and the application may be rejected where the Licensing Authority considers it appropriate for the promotion of the crime prevention objective to do so.

26. Reviews
(Subject to Regulations issued under s.51, s.87 and s.167 of the Act):

26.1 The review of a premises licence or club premises certificate is a key protection for local communities where problems associated with one or more of the licensing objectives are occurring and these are linked to the operation of licensed premises.

26.2 Where relevant representations are made about an existing licence the Licensing Authority will normally hold a hearing which will be held in accordance with the procedure referred to in section 9 of this Statement of Licensing Policy to consider them unless:

a) the representation is considered frivolous, vexatious or to be repetitious (that is, identical or substantially similar to a ground specified in an earlier application for a licence, provisional statement or review); or
b) All parties to the hearing, including those persons making representations, agree that the hearing is not necessary.

26.3 A review of the premises licence will normally also follow:

a) any action instigated by the Police to close down the premises for up to 24 hours on grounds of disorder or public nuisance;
b) summary review powers of the Police pursuant to section 21 (regarding serious crime and disorder) of the Violent Crime Reduction Act 2006; or

c) any exercise of the closure order powers available to the magistrates’ court.

26.4 Responsible Authorities may seek to amend a licence via review if separate enforcement action points to a need for permanent, enforceable, condition(s) to be imposed on a licence.

26.5 In determining a review application at a hearing, the Licensing Authority may take such steps as it considers appropriate to promote the licensing objectives, which include:

a) modifying the conditions of the licence (by inclusion, amendment or omission);
b) excluding a licensable activity from the scope of a licence;
c) removing a designated premises supervisor;
d) suspending the licence for a period not exceeding three months; or
e) revoking the licence.

26.6 Where the Police make application for summary review under section 53A of the Licensing Act 2003 the relevant licensing authority will normally consider whether it is appropriate to take interim steps pending the determination of the review applied for. Such consideration may take place without the holder of the premises licence having been given an opportunity to make representations to the relevant licensing authority. The interim steps the relevant licensing authority must consider taking are -

(a) the modification of the conditions of the premises licence;
(b) the exclusion of the sale of alcohol by retail from the scope of the licence;
(c) the removal of the designated premises supervisor from the licence; and
(d) the suspension of the licence.

Should a summary review be instigated, the Licensing Authority shall follow the procedures as set out in the Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007.

26.7 Applications may also be made for the review of licences which are held by a management committee in respect of community premises, and which include the alternative licence condition instead of the normal mandatory conditions. In relation to such applications, the licensing authority may determine that the normal mandatory conditions should apply instead of the alternative condition if it considers this to be appropriate for the promotion of the licensing objectives. Such a determination may be reached following the usual procedure for review applications set out in sections 51 to 53 of the Act.

26.8 The outcome of a review hearing will not ordinarily have effect until such time as the period given for appealing (normally 21 days) expires or an appeal is disposed of.

27. Fees

27.1 The Police Reform and Social Responsibility Act will introduce the principle of locally set fees. The level of each fee category will be based on cost recovery but with a nationally set cap for each category. Prior to the introduction of locally set fees the Secretary of State will issue guidance. Currently there is no further information available.

28. Local Authority As Responsible Authority

28.1 The Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 to enable licensing authorities to act as Responsible Authorities as a means of early intervention. They may do so where they consider it appropriate without having to wait for representations from other Responsible Authorities.
28.2 However it is reasonable for the licensing authority to expect that other responsible authorities will intervene where the basis for the intervention falls within the remit of that responsible authority.

28.3 Further, the licensing authority does not expect to act as a responsible authority on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so, based on the merits of the individual cases. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable to expect them to make representations themselves where they are reasonably able to do so.

28.4 In general terms the following are examples of occasions when the Licensing Authority may either make representations within either an application for the grant or variation of a licence or an application for a review.

- Anti-social behaviour unless the alleged behaviour is connected to crime. Any participation will be in conjunction with either the Council's own antisocial behaviour team or the local safer neighbourhood team
- Noise connected with the dispersal of patrons from a premise or associated with groups of drinkers and/or smokers congregating outside the licensed premises on the pavement or highway.
- Applications in connection with time-limited premises for events particularly when there is no engagement by the premises with the Suffolk Safety Advisory Group
- Public Nuisance that may be caused by light pollution, litter or noxious odours.
- The provision of adult entertainment at premises on an infrequent basis so that a licence under the Local Government (Miscellaneous Provisions) Act 1982 is not required. Issues like preventing accidental access by children may be addressed or safeguards to protect the dancers and/or the patrons and addressing the potential concerns of the community in the immediate vicinity.

28.5 Within the body of this Policy it is confirmed that it is not acceptable for the licensing authorities to simply replicate the wording from the operating schedule. The authority will endeavour to interpret any condition in accordance with the applicant’s intention. In addition the Licensing Authority, as Responsible Authority, may engage with the Premises Licence Holder (particularly if there is any application to be determined) with a view to creating conditions that are appropriate and proportionate.

28.6 The Councils schedule of delegation makes provision for certain specified officers or other officers to whom this function has been delegated in writing to act as a Responsible Authority.

28.7 As far as reasonable practical the Council as Licensing Authority will endeavour to make provision for there to be a separation of roles between the Licensing Officer making any such representation and the Licensing Officer preparing and presenting the report to the sub-committee of the Council's Licensing and Regulatory Committee.